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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/846,160 | 04/30/2001 | Mark R. Fichtner | 42390.P5539C | 5404 |

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| EXAMINER |
|---|
| HERNANDEZ, NELSON D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2612 | |

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/846,160 | FICHTNER, MARK R. |
| | Examiner | Art Unit | |
| | Nelson D. Hernandez | 2612 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 April 2005*.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *15-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

# DETAILED ACTION

## Response to Amendment

1.      Examiner acknowledges the amendments made on the claims received on April

18, 2005.  Claims 15, 17 and 18 have been amended and claims 19-27 have been

newly added.

## Response to Arguments

2.      Applicant's arguments with respect to claims 15, 17 and 18 have been

considered but are moot in view of the new ground(s) of rejection.

## Claim Rejections - 35 USC § 102

3.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.      **Claims 15-20 and 23-25** are rejected under 35 U.S.C. 102(e) as being

anticipated by Yamagishi, US Patent 6,630,949 B1.

**Regarding claim 15**, Yamagishi discloses a method for transferring image

information between an imaging device (Fig. 1A: 200) and a host system (Fig. 1B: 300),

said method comprising: the host system detecting a coupling of the imaging device to

the host system; in response to detecting the coupling (Fig. 1B: 82), said host system

automatically launches application software associated with the imaging device

(Yamagishi teaches that upon detection of the camera, the host read information stored on the camera (in program storing in fig. 1A: 50) and in the host memory means (Fig. 1B: 62) describing how to operate said camera and runs said program to obtain image information from the camera; see col. 6, lines 46-67; col. 7, line 8 – col. 8, line 9) for requesting image information transfer from the imaging device; and in response to the request, the application software periodically attempting to communicate with the imaging device to cause said image information is transferred from the imaging device to the host system (i.e. focal distance, focal distance variable range, f-number, see col. 7, line 8 – col. 8, line 9; also in col. 7, lines 44-57, Yamagishi teaches that the control means (Fig. 1B: 60) controls the display means (Fig. 1B: 64) to be used as a view finder, this inherently teaches that the application software is periodically attempting to communicate with the imaging device to cause said image information is transferred from the imaging device to the host system) (Col. 4, lines 30-50; col. 5, lines 47-55; col. 6, lines 46-67; col. 7, line 8 – col. 8, line 9; col. 18, line 63 – col. 19, line 35; col. 19, line 58 – col. 20, line 6; col. 20, lines 20-24).

**Regarding claim 16**, Yamagishi discloses that the host system detects the coupling of the image device if the imaging device is connected to a port of the host system (Col. 4, lines 30-50; col. 5, lines 47-55).

**Regarding claim 17**, Yamagishi discloses a system (Fig. 1B: 300) to receive image information from an imaging device (Fig. 1A: 200) comprising: a processor (See fig. 1B); an input port (Fig. 1B: 72); and a detection circuit (Fig. 1B: 82), said detection circuit detecting the coupling of the imaging device to the input port, and wherein said processor automatically launches application software associated with the imaging

device (Yamagishi teaches that upon detection of the camera, the host read information

stored on the camera (in program storing in fig. 1A: 50) and in the host memory means

(Fig. 1B: 62) describing how to operate said camera and runs said program to obtain

image information from the camera; see col. 6, lines 46-67; col. 7, line 8 – col. 8, line 9)

for requesting the image information to be transferred from the imaging device in

response to detecting the coupling of the image device to the input port by the detection

circuit, wherein the application software periodically attempting to communicate with the

imaging device to initiate the transfer of the image information from the imaging device

(i.e. focal distance, focal distance variable range, f-number, see col. 7, line 8 – col. 8,

line 9; also in col. 7, lines 44-57, Yamagishi teaches that the control means (Fig. 1B: 60)

controls the display means (Fig. 1B: 64) to be used as a view finder, this inherently

teaches that the application software is periodically attempting to communicate with the

imaging device to cause said image information is transferred from the imaging device

to the host system) (Col. 4, lines 30-50; col. 5, lines 47-55; col. 6, lines 46-67; col. 7, line

8 – col. 8, line 9; col. 18, line 63 – col. 19, line 35; col. 19, line 58 – col. 20, line 6; col.

20, lines 20-24).

**Regarding claim 18**, Yamagishi discloses a computer readable medium

comprising instructions, which when executed by a processing system to perform an

operation of transferring image information between a host system (Fig. 1B: 300) and

an imaging device (Fig. 1A: 200), the operation comprising: the host system detecting a

coupling of the imaging device to the host system; in response to detecting the coupling,

said host system automatically launches application software associated with the

imaging device (Yamagishi teaches that upon detection of the camera, the host read

information stored on the camera (in program storing in fig. 1A: 50) and in the host

memory means (Fig. 1B: 62) describing how to operate said camera and runs said

program to obtain image information from the camera; see col. 6, lines 46-67; col. 7, line

8 – col. 8, line 9) for requesting image information from the imaging device; and in

response to the request, the application software periodically attempting to

communicate with the imaging device to cause said image information is transferred

from the imaging device to the host system (i.e. focal distance, focal distance variable

range, f-number, see col. 7, line 8 – col. 8, line 9; also in col. 7, lines 44-57, Yamagishi

teaches that the control means (Fig. 1B: 60) controls the display means (Fig. 1B: 64) to

be used as a view finder, this inherently teaches that the application software is

periodically attempting to communicate with the imaging device to cause said image

information is transferred from the imaging device to the host system) (Col. 4, lines 30-

50; col. 5, lines 47-55; col. 6, lines 46-67; col. 7, line 8 – col. 8, line 9; col. 18, line 63 –

col. 19, line 35; col. 19, line 58 – col. 20, line 6; col. 20, lines 20-24).

   **Regarding claim 19**, Yamagishi discloses a port driver of an operating system

(OS) executed within the host system signaling when the imaging device is connected

to the port of the host system (Col. 5, line 17 – col. 6, line 67; col. 26, lines 5-28); an

imaging device driver associated with the imaging device signaling the port driver upon

successfully opening the imaging device (Col. 5, line 17 – col. 6, line 67; col. 26, lines 5-

28; col. 7, line 8 – col. 8, line 9); and the imaging device driver acquiring the image

information from the imaging device via the port driver and forwarding the acquired

image information to the application software (i.e. focal distance, focal distance variable

range, f-number, see col. 7, line 8 – col. 8, line 9; also in col. 7, lines 44-57). Grounds for rejecting claim 15 also apply here.

**Regarding claim 20**, Yamagishi discloses the same as in claim 15. Therefore, grounds for rejecting claim 15 apply here.

**Regarding claim 23**, Yamagishi discloses that the host system detects the coupling of the image device if the imaging device is connected to a port of the host system (Col. 4, lines 30-50; col. 5, lines 47-55).

**Regarding claim 24**, Yamagishi discloses a port driver of an operating system (OS) executed within the host system signaling when the imaging device is connected to the port of the host system (Col. 5, line 17 – col. 6, line 67; col. 26, lines 5-28); an imaging device driver associated with the imaging device signaling the port driver upon successfully opening the imaging device (Col. 5, line 17 – col. 6, line 67; col. 26, lines 5-28; col. 7, line 8 – col. 8, line 9); and the imaging device driver acquiring the image information from the imaging device via the port driver and forwarding the acquired image information to the application software (i.e. focal distance, focal distance variable range, f-number, see col. 7, line 8 – col. 8, line 9; also in col. 7, lines 44-57). Grounds for rejecting claim 15 also apply here.

**Regarding claim 25**, Yamagishi discloses the same as in claim 15. Therefore, grounds for rejecting claim 18 apply here.

## *Claim Rejections - 35 USC § 103*

5.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.    **Claims 21, 22, 26 and 27** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yamagishi, US Patent 6,630,949 B1 in view of Hsieh, US Patent

5,969,750.

**Regarding claims 21 and 26**, Yamagishi does not explicitly disclose that the

port (Fig. 1A: 52) of the host system is one of a USB (Universal Serial Bus) compatible

port and an IEEE compatible port.

However, Hsieh teaches the use of USB port (See fig. 5, items 200 and 150) to

establish communication between a camera (Fig. 5: 110) and a host computer (Fig. 5:

120) is well known in the art (Col. 5, line 20 – col. 6, line 55; col. 7, line 8 – col. 8, line

15).

Therefore, taking the combined teaching of Yamagishi in view of Hsieh as a

whole, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Yamagishi by having a USB port as a connection port

between the camera and the host computer.  The motivation to do so would have been

to transmit data at full bit rate and to auto-recognize and to configure the connected

camera as suggested by Hsieh (Col. 5, lines 37-55; col. 7, lines 30-41).

**Regarding claims 22 and 27,** Yamagishi discloses that the imaging device is a digital camera (Col. 3, line 3 – col. 4, line 8), and wherein the image information comprises one or more digital images captured by the digital camera (Col. 4, lines 30-57; col. 5, lines 47-55; col. 6, lines 46-67; col. 7, line 8 – col. 8, line 9; col. 18, line 63 – col. 19, line 35; col. 19, line 58 – col. 20, line 6; col. 20, lines 20-24).

### *Conclusion*

7.      Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
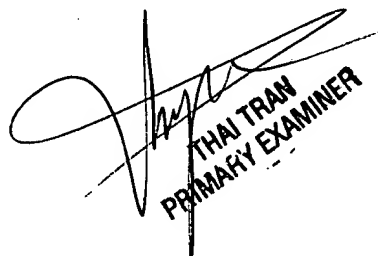
### *Contact*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nelson D. Hernandez whose telephone number is (571)

272-7311.  The examiner can normally be reached on 8:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thai Tran can be reached on (571) 272-7382.  The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
July 9, 2005